



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	Department of Social Services
VAC Chapter Number:	22 VAC 40-30-10 et seq.
Regulation Title:	Food Stamp Program - Resource Exclusion
Action Title:	Repeal of Food Stamp Program - Resource Exclusion
Date:	May 2, 2000

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

This regulatory action is to repeal the regulation that allows the exclusion of a savings account when determining food stamp eligibility. Until 1998, recipient or applicant households were allowed to accumulate up to \$5,000 without a negative impact to the food stamp case. There have been no changes from the proposed action.

Changes Made Since the Proposed Stage

Please detail any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication. Please provide citations of the sections of the proposed regulation that have been altered since the proposed stage and a statement of the purpose of each change.

No changes have been made since the proposed stage.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The State Board of Social Services approved the repeal of 22 VAC 40-30-10 et seq., *Food Stamp Program – Resource Exclusion*, on April 19, 2000

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law

§63.1-25 of the Code of Virginia provides the State Board of Social Services with the authority to make rules and regulations to carry out federal and state laws related to social services. Federal regulations at 7 CFR 273.8 list the countable and excludable resources for determining food stamp eligibility. The Department obtained a waiver to operate outside the federal regulations in order to carry out the provisions of §63.1-110. The waiver was withdrawn as a result of changes required by the passage of the Personal Responsibility and Work Opportunity Reconciliation Act that requires that policy waivers may only be granted for elements that are cost neutral to the program.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not

acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The repeal of the regulation allows the Department of Social Services to operate the Food Stamp Program in accordance with the Food Stamp Act and federal regulations. Continuing to allow the exclusion of the special savings account would result in individual recipient households being required to repay the benefits issued in error. In addition, all Virginia citizens would be fiscally harmed as the Virginia treasury would be used to pay federal sanctions for the cases found to be in error and for the cases projected to be issued in error.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

There are no new substantive provisions. This regulatory action repeals the exclusion of a special savings account when determining food stamp eligibility.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

This regulation is no longer needed. The regulation may not be applied despite the Virginia law at §63.1-110 because the goal of the regulation is contrary to federal policy. Food stamp benefits are provided entirely through federal funds. The Department stopped allowing the special accounts effective January 1998 so the repeal will not impact Virginia households' current eligibility for food stamps.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

No comments were received during the comment period.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

This action is to repeal the regulation. No changes have been made. No replacement regulation is being offered.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The regulation allowed households an opportunity to save up to \$5,000 without penalty to the food stamp eligibility if the money was being saved for the purchase of a home or for the costs of education at any level. There are many advantages that stem from the regulation, namely stability in the community with the purchase of a home or greater earnings potential and self-sufficiency as associated with an educated workforce. The repeal of this regulation does not offer the same advantages. The repeal allows households an opportunity to receive food stamp benefits without having to repay the benefits when the resources of the household exceed the federal resource eligibility limit. The repeal also allows the state to administer the Food Stamp Program without having to reimburse or pay additional penalties for misapplying policies as contained in the Food Stamp Act or federal regulations.